

## Garman, Russell

---

**From:** Kowalski, Thomas  
**Sent:** Tuesday, March 24, 2009 9:09 AM  
**To:** 'Mary.mosher@uspto.gov'  
**Cc:** Garman, Russell  
**Subject:** "Modified Vaccinia Virus and Methods for Making and Using the Same" USSN 08/228,926 (FLH ref: 674310-2430.1)

Dear Examiner Mosher,

With respect to the non-final Office Action, we thank you for indicating that claims are allowable. As to claim 53, could we please briefly telephonically interview with you today to understand if you would consider a rewritten claim 53 (as below) to be allowable:

--Donor DNA comprising isolated DNA not naturally occurring in vaccinia virus encoding a peptide foreign to vaccinia virus, flanked by DNA sequences homologous with portions of a non-essential region of the vaccinia genome, whereby when the donor DNA is incorporated into vaccinia virus by in vivo recombination there is expression of the peptide by the vaccinia virus after infection of a cell by the vaccinia virus. --

Respectfully submitted,

Thomas J Kowalski, Reg No 32147

Thomas J Kowalski